

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 6, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAC-28087 - APPLICANT: GREEN STREET PROPERTIES -  
OWNER: SOUTHWEST DESERT EQUITIES, LLC, DESERT HILLS PROPERTIES,  
LLC & BRAIN SURGERY, LLC**

---

**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/sd vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements for the remaining portions of Echelon Point Drive not included with Vacation Application VAC-25759.
2. This Vacation Application shall record concurrently with VAC-25759.
3. Prior to the recordation of the Order of Relinquishment of Interest, dedicate a minimum 40 feet of right-of-way for Deer Springs Way, a 20-foot radius corner at the southwest corner of Deer Springs Way and Conquistador Street, 25 feet of right-of-way for Conquistador Street including the area needed for a cul-de-sac meeting current City standards and either the full width or half street width necessary for Echelon Point Drive including the area needed for a cul-de-sac meeting current City standards. Alternatively, the requirement to dedicate Echelon Point Drive may be eliminated if the applicant dedicates 47 feet of right-of-way for the street along the southern boundary of this site shown as "Proposed Street" and provides a signed and notarized affidavit from the owner of Assessor's Parcel No. 125-19-301-010 stating they are in support of the proposed Providence Square site plan, AND a copy of a recorded perpetual, irrevocable access easement in favor of this parcel, to the Development Coordination Section of the Department of Public Works prior to the issuance of any permits, submittal of any construction drawings, or the submittal of a Map subdividing this site, whichever may occur first.
4. Coordinate with the Collection Systems Planning section of the Department of Public Works to grant an appropriate sewer easement providing public sewer access to Assessor Parcel Number 125-19-301-010 prior to the recordation of this Petition of Vacation.
5. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
6. All development shall be in conformance with code requirements and design standards of all City Departments.

7. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
8. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to Vacate U.S. Government Patent Easements, generally located approximately 940 feet from the southeast corner of Deer Springs Way and Hualapai Way. This request is a petition to remove the remaining portions of U.S. Government Patent Easements, which were not completely vacated during a previous Vacation (VAC-25759). The Vacation of these easements will facilitate the development of an approved 205,000 square-foot retail development. As these U.S. Government Patent Easements are no longer needed in their current configuration, staff recommends approval of this request.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>           |  |
|---|--|
| 02/16/07  | Effective date of Annexation (ANX-12215) of 207.83 acres including the subject site.   |
| 04/16/08  | The City Council approved a Rezoning (ZON-25758) from U (Undeveloped) [PCD (Planned Community Development)] to PD (Planned Development) on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way. The City Council approved a Site Development Plan Review (SDR-25760) on 23.62 acres at the southwest corner of Hualapai Way and Deer Springs Way for a proposed 205,000 square-foot retail development. The City Council approved a Vacation (VAC-25759) of U.S. Government Patent easements generally located east of Hualapai Way and south of Deer springs Way. The Planning Commission recommended approval whereas staff recommended denial of these requests. |
| 06/04/08  | The City Council approved a General Plan Amendment (GPA-20465) to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to PCD (Planned Community Development) on 23.3 acres at the southwest corner of Hualapai Way and Deer Springs Way.   |
| 06/26/08  | <a href="#">The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #13/ed).</a>  |
| <b><i>Related Building Permits/Business Licenses</i></b>                            |  |
| There are no building permits or business licenses related to this request.         |  |
| <b><i>Pre-Application Meeting</i></b>   |  |
| A pre-application meeting is not required for a Vacation request, nor was one held. |  |
| <b><i>Neighborhood Meeting</i></b>  |  |
| A neighborhood meeting is not required, nor was one held.                           |  |
| <b><i>Field Check</i></b>   |  |
| 05/21/08  | A field check was conducted and found that the subject site is currently undeveloped with natural desert landscaping.  |

| <b><i>Details of Application Request</i></b> |       |
|--|-------|
| <b><i>Site Area</i></b>                      |       |
| Gross Acres                                  | 23.62 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>              | <b>Planned Land Use</b>  | <b>Existing Zoning</b>  |
|-----------------------------|---------------------------------------|--|---|
| Subject Property            | Undeveloped                           | PCD (Planned Community Development)                                      | U (Undeveloped)   |
| North                       | Undeveloped, Clark County 215 Beltway | RNP (Rural Neighborhood Preservation – Clark County)                     | Unincorporated Clark County R-E (Residential Estates)   |
| South                       | Undeveloped                           | R (Rural Density Residential) and ROW (Right-of-Way)                     | Unincorporated Clark County R-E (Residential Estates) and Unincorporated Clark County Parcel Right-of-Way |
| East                        | Undeveloped                           | PCD (Planned Community Development)                                      | PD (Planned Development)  |
| West                        | Undeveloped                           | R (Rural Density Residential) and PF-CC (Public Facility – Clark County) | U (Undeveloped) and Unincorporated Clark County R-E (Residential Estates)                                 |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | NA                       |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| PCD Planned Community Development                 | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## DESCRIPTION

A request has been received from Green Street Properties on behalf of Southwest Desert Equities, LLC, Desert Hills Properties, LLC & Brain Surgery, LLC to Vacate U.S. government patent easements generally located 940 feet from the southeast corner of Deer Springs Way and Hualapai Way.

The above property is legally described as follows:

The south thirty-three feet (33') of the East Half (E½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

The south thirty-three feet (33'), excepting the east twenty-five (25') feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

The north thirty-three feet (33'), excepting the east twenty-five (25') feet of East Half (E½) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

## **ANALYSIS**

### ***A) Planning discussion***

This is a request to Vacate U.S. Government Patent Easements, generally located approximately 940 feet from the southeast corner of Deer Springs Way and Hualapai Way. This request is a petition to remove the remaining portions of U.S. Government Patent Easements, which were not completely vacated during a previous Vacation (VAC-25759). The Vacation of these easements will facilitate the development of an approved 205,000 square-foot retail development. As these easements U.S. Government Patent Easements are no longer needed in their current configuration, staff recommends approval of this request.

### ***B) Public Works discussion***

The Public Works Department has no objection to the vacation application request to vacate U.S. Government Patent Reservations generally located east of Hualapai Way and south of Deer Springs Way, however, dedication of right-of-way will be necessary prior to relinquishment to ensure legal parcel access is maintained.

## **NOTICES MAILED**

14 by City Clerk

## **APPROVALS**

0

## **PROTESTS**

0